

REMARKS

Claims 1-9 and 14 are pending in the present application.

In the Office Action dated October 24, 2008, the Examiner rejected claims 1-9 and 14 of the present application pursuant to 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,800,853 ("Wang") in view of U.S. Patent No. 2,386,993 ("Valdastri"). In rejecting the claims, although the Examiner acknowledged that Wang does not disclose that when a sheet of dough is placed across the insert, the dough contacts the bottom of the pan and the sidewalls of the insert so as to form a separate crust for one of multiple pizzas, the Examiner asserted that it would have been obvious to modify the insert of Wang in light of the teachings of Valdastri, thus rendering the claimed invention obvious.

Before discussing the obviousness issues and the specific claims of the present application, Applicants believe it to be beneficial to again review the essential features and advantages of the present invention to place the discussion of the claims and rejection in the proper context.

The present invention is an apparatus for holding multiple pizzas that includes a pan 15 with a bottom 20, and an insert 50 that is adapted to fit within the pan 15. The insert 50 has a plurality of sidewalls that extend between a base plane or base 80 of the insert 50 and an upper portion or plane 85 of the insert 50. These sidewalls surround a plurality of openings 90, 95 defined in the base 80 by the insert 50. In other words, the insert 50 includes open ends to allow dough placed in the insert 50 to contact the bottom 20 of the pan 15 which supports the insert 50. As such, and as illustrated in Figure 1 (reproduced below), when dough for multiple pizzas is placed over and into the insert 50, the dough of each of the multiple pizzas contacts not only the

sidewalls of the insert 50, but also the bottom 20 of the underlying pan 15 through open ends 90,
95.

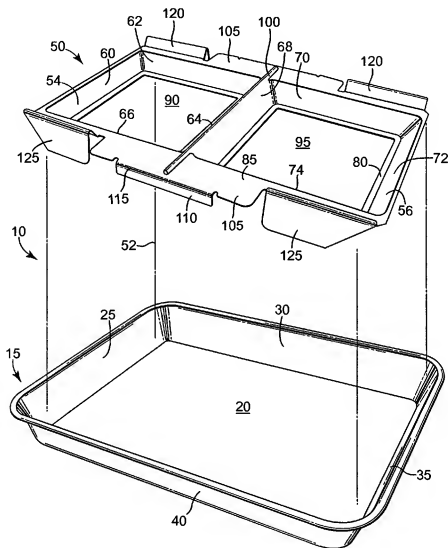
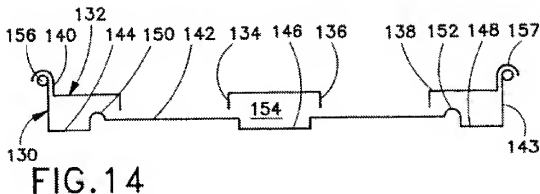


Fig. 1

Turning now to the prior art references cited against the claims of the present application, Wang describes a baking pan kit that includes a variety of components to allow for many “alternative uses in steaming and baking different kinds of foodstuffs.” See column 10, lines 50-

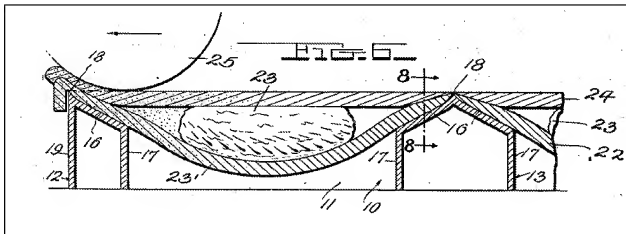
52. The baking pan kit of Wang includes a lower pan portion 130 and an upper pan portion 132, and further includes one or more parts to provide support surfaces for various foodstuffs. See FIGS. 13-14 and FIGS. 15-23, respectively. Openings 134 and 136 are formed in a plate 138 of the upper pan portion 132, and three elongated spaced recesses 144, 146, 148 are included in a lower plate 142 of the lower pan portion 130. See column 10, lines 59-67. The elongated spaced recesses 144, 146, 148 are laterally staggered relative to openings 134 and 136 such that when the upper pan portion 132 is attached to the lower pan portion 130, the upper pan portion 132 and the lower pan portion 130, except for the openings 134 and 136, define a closed steam generation chamber 154 as depicted in FIG. 14 (reproduced below). See column 11, lines 1-4 and lines 17-22.



In this regard, it is thus important to recognize that in cooking operations which utilize the baking pan kit described in Wang, additional baking kit parts or panels, 158, 160, 162, 164, 190, 192, or 234, must be connected to the upper pan portion 132 at either opening 134 or 136 to provide the desired steam-proof seal. See column 11, lines 34-37. As such, each panel thus defines a support surface that is further comprised of an array of perforations on which a

particular foodstuff may be placed at the onset of a steaming or baking process. See column 12, lines 41-46. Thus, as the Examiner acknowledges, Wang fails to teach or in any way suggest that when a sheet of dough is placed across the insert, the dough contacts the bottom of the pan through the open end of each of the multiple portions of the insert, along with the sidewalls of the insert.

Recognizing that such contact between the dough, the bottom of the pan, and the sidewalls of the insert was not taught or suggested by Wang, the Examiner thus cited Valdastri to supply the missing teaching. However, Valdastri describes an apparatus for producing (uncooked) ravioli, and is thus far afield from the baking pans described in Wang and the present application. Specifically, Valdastri describes an apparatus that includes a forming frame 10 and various bars 11, 12, 13, and 14 that are arranged to form a plurality of forming elements 15. See page 1, column 2, lines 3-12. Each forming element 15 includes faces 16 that are angled upwardly to form upper cutting edges 18. See page 1, column 2, lines 12-16. During operation of the apparatus of Valdastri, a sheet of dough 22 is thus arranged over the forming elements 15 and is depressed by hand to provide pockets to hold a filling 23. See page 1, column 2, lines 28-35. A second layer of dough 24 is then placed over the first layer of dough 22 and downward pressure is applied by a rolling pin 25 to sever the dough layers and form a completed ravioli. See page 1, column 2, lines 35-55 and FIG. 6 (reproduced below).



Upon subsequent raising of the forming frame 10, each completed ravioli falls through the frame 10 and remains upon the table on which the forming frame 10 was initially placed.

See page 2, column 1, lines 3-7. As such, even though the apparatus of Valdastrì includes a forming frame onto which a sheet of dough can be placed, Valdastrì certainly does not describe or make any reference to an apparatus for holding multiple pizzas, much less an apparatus including an insert adapted to fit within a pan to allow dough that is placed across the insert to contact not only the sidewalls of the insert but also the bottom of the underlying pan through open ends of the insert.

To establish a *prima facie* case of obviousness based on a combination of the teachings of one or more prior art references, there must be more than a demonstrated evidence of all of the components or limitations of a claimed invention present in the prior art references. There must be some reason for the combination of teachings of the prior art references, whereby a person of ordinary skill in the art would make substitutions or modifications required to achieve the claimed invention. See KSR International Co. v. Teleflex Inc., 550 U.S. 398, 82 USPQ2d 1385 (2007) (“KSR”). In this regard, and as pointed out in the “Examination Guidelines for

Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.*” that were promulgated by the U.S. Patent and Trademark Office, the court reiterated that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” KSR, 82 USPQ2d at 1396.

Considering that Wang generally describes a baking pan kit, while Valdastrì describes a forming frame for producing (uncooked) ravioli, Applicants respectfully submit that there is no apparent reason for a person of ordinary skill in the art to combine the forming frame of the ravioli-producing apparatus of Valdastrì with the baking pan kit of Wang. Instead, the Examiner has simply offered a conclusory statement that “[i]t would have been obvious...to one of ordinary skill...to modify the insert in the Wang baking pan to allow for dough placed across the insert to touch the bottom of the pan and to make separate crusts for the pizza, as suggested by Valdastrì...”

Valdastrì, however, provides no teaching or suggestion that its forming frame can or should be incorporated into a baking pan, such as the one described by Wang, nor does Valdastrì provide any teaching or suggestion that its forming frame would be useful for making crusts for multiple pizzas. Valdastrì only describes a forming frame that is useful for producing (uncooked) ravioli that are then left on a table after the frame is raised. See page 2, column 1, lines 5-7.

Furthermore, Wang provides no indication that such a forming frame could be suitably adapted for use in the described baking pan kit. Indeed, the use of such a forming frame in the baking pan of Wang would go against the teachings of Wang, as Wang clearly indicates that a

piece of dough is to be “positioned on an upper surface of the selected panel 158, 160, 162, 164, 190, 192, or 234 so that the dough covers an array of perforations” and is subsequently cooked by the guiding of steam from the perforations to the lower surface of the dough. See column 12, line 54 to column 13, line 3.

In short, neither Wang nor Valdastri include any teaching or suggestion that would provide a reason for one of ordinary skill in the art to modify the upper pan portion of the baking pan kit described in Wang, replacing it with a forming frame that is used to produce (uncooked) ravioli.

Even if, *arguendo*, one of ordinary skill in the art would combine the teachings of Valdastri and Wang, the combined disclosure would still fail to result in the invention as recited in independent claims 1 and 14 of the present application.

Claim 1 recites an apparatus for holding multiple pizzas that includes a pan having a bottom and an insert adapted to fit within the pan that is “divided into multiple portions, with each of the multiple portions comprising a plurality of sidewalls extending between a base of the insert and an upper portion of the insert and generally surrounding an open end defined in the base....” Thus, and as further recited in claim 1, “when a sheet of dough is placed across the insert, the dough contacts the bottom of the pan through the open end of each of the multiple portions, along with the sidewalls of the insert, so as to form a separate crust for one of the multiple pizzas within each of the multiple portions of the insert.”

Similarly, claim 14 recites an insert adapted to fit within a pan that is “divided into multiple portions, with each of the multiple portions comprising: a plurality of sidewalls extending between a base of the insert and an upper portion of the insert, the sidewalls generally

surrounding an open end defined by the insert in the base....” Thus, and as further recited in claim 14, “when a sheet of dough is placed across the insert, the dough contacts the bottom of the pan through the open end of each of the multiple portions, along with the sidewalls of the insert, so as to form a separate crust for one of the multiple pizzas within each of the multiple portions of the insert.”

In short, and as illustrated in Figure 1 (reproduced above), both claims 1 and 14 include the limitation that when the dough for multiple pizzas is placed over and into the insert, the dough contacts not only the sidewalls of the insert 50, but also the bottom of the underlying pan 15 through open ends 90, 95.

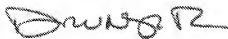
As discussed above, the ravioli-producing apparatus of Valdastrì includes only a forming frame whereby layers of dough are placed over the forming frame to produce completed (uncooked) ravioli. However, as shown in FIG. 6 of Valdastrì (reproduced above), the dough never touches the bottom of the underlying table, even when downward pressure is applied by a rolling pin to sever the dough layers and form the completed ravioli. As indicated in Valdastrì, the frame 10 must be tapped and subsequently raised before each ravioli is left on the underlying table. See page 2, column 1, lines 3-7. As such, even if one skilled in the art was motivated to use the forming frame of Valdastrì in the baking pan kit of Wang, the dough would still not be placed into contact with the bottom of the pan. Accordingly, the combined references thus fail to teach or suggest an apparatus for holding multiple pizzas that includes an insert divided into multiple portions, where the insert is adapted to fit within the pan such that “when a sheet of dough is placed across the insert, the dough contacts the bottom of the pan through the open end of each of the multiple portions, along with the sidewalls of the insert, so as to form a separate

crust for one of the multiple pizzas within each of the multiple portions of the insert,” as recited in independent claims 1 and 14.

In light of the above remarks, Applicants thus respectfully submit that independent claims 1 and 14 are in condition for allowance. Furthermore, claims 2-9 depend from claim 1 and are each believed to also be in condition for allowance for at least the reasons set forth above with respect to claim 1.

Having fully responded to the issues set forth in the Office Action of October 24, 2008, Applicants respectfully request allowance of all claims now pending in the present application.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "D. Nagle, Jr.", with a stylized flourish at the end.

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